



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Labor and Industries

- ☒ Preproposal Statement of Inquiry was filed as WSR 05-12-113; or
☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice
☐ Supplemental Notice to WSR _____
☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Industrial Insurance, Chapter 296-14 WAC Residence Modification

See Attachment (1)

Hearing location(s):

Yakima and Tukwila - See Attachment (2)

Date: _____ Time: _____

Submit written comments to:

Name: Keith Klinger

Department of Labor and Industries

Address: P O Box 44329

Olympia WA 98504-4329

360-902-6362

e-mail KLIN235@LNI.WA.GOVfax (360) 902-6706 by (date) December 15, 2005**Assistance for persons with disabilities:** ContactKeith Klinger by November 30, 2005

TTY (360) _____ or () _____

Date of intended adoption: February 28, 2006(Note: This is **NOT** the **effective** date)**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Pursuant to Chapter 411, Laws of 2005 (EHB 2185), L&I was directed to implement rules that will establish guidelines and processes for providing residence modification assistance to workers who have sustained catastrophic injury.

Reasons supporting proposal:

The proposed rules will reduce inconsistent interpretation and application of the law and potentially unnecessary litigation.

Statutory authority for adoption: RCW 51.04.010, RCW 51.04.020, RCW 51.32.240 and Chapter 411, Laws of 2005 (EHB 2185)

Statute being implemented: RCW 51.36.022**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

CODE REVISER USE ONLY**WSR #05-22-084****DATE**

November 1, 2005

NAME (type or print)

Gary K. Weeks

SIGNATURE**TITLE**

Director

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

The proposed rules will provide a consistent means for implementing the statutory change, thus reducing inconsistent interpretation and application of the law and potentially unnecessary litigation.

Name of proponent: (person or organization) Department of Labor and Industries

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Rich Wilson	P O Box 44324 Olympia WA 98504-4324	(360) 902-6361
Implementation.....Rich Wilson	P O Box 44324 Olympia WA 98504-4324	(360) 902-6361
Enforcement.....Sandy Dziedzic	P O Box 44200 Olympia WA 98504-4200	(360) 902-4300
Jean Vanek	P O Box 44890 Olympia WA 98504-4890	(360) 902-6907

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

No SBEIS was prepared because the content of these rules are specifically dictate by statute. RCW 34.05.310(4)(e).

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: No CBA was prepared because the content of these rules are specifically dictate by statute. RCW

34.05.328(5)(b)(v).

Attachment (1)

CR-102

Industrial Insurance, chapter 296-14 WAC - Residence Modification

Other Identifying information:

New Sections:

WAC 296-14-6200 What is a residence modification?

WAC 296-14-6202 What is the residence modification benefit?

WAC 296-14-6204 Which workers may be eligible to receive benefits for residence modifications?

WAC 296-14-6206 Which residences may be eligible to be modified?

WAC 296-14-6208 When may the worker request residence modification benefits?

WAC 296-14-6210 What is the maximum amount of the residence modification benefit?

WAC 296-14-6212 Can the worker receive additional modification benefits for the same residence?

WAC 296-14-6214 Can a worker receive residence modification benefits for more than one house?

WAC 296-14-6216 How can a worker begin the process of requesting residence modification benefits?

WAC 296-14-6218 How does the department or self-insured employer determine the worker's residence for purposes of residence modification?

WAC 296-14-6220 What type of residence may the department or self-insured employer modify?

WAC 296-14-6222 What is a residence modification consultant, and how are they involved in the process of residence modification?

WAC 296-14-6223 Will the department pay for professional services needed to design a residence modification?

- WAC 296-14-6224** What must the worker submit to the department in a completed request for a residence modification?
- WAC 296-14-6226** What other information must be submitted to the department in a completed application for a residence modification?
- WAC 296-14-6228** Who will approve or deny a request for residence modification?
- WAC 296-14-6230** What will the supervisor consider when approving or denying a residence modification request?
- WAC 296-14-6232** What happens if the residence modification costs exceed the maximum benefit?
- WAC 296-14-6234** Can a worker apply the residence modification benefit to the cost of building a new residence?
- WAC 296-14-6236** How is a worker advised that the supervisor has approved or denied the request for residence modification benefits?
- WAC 296-14-6238** Who receives payment from the department?

Attachment (2)

CR-102 Industrial Insurance, chapter 296-14 WAC – Residence modification

Hearing Locations:

Yakima

Red Lion Hotel Yakima Center
Veranda Room
607 E Yakima Ave
Yakima WA 98901-2548
509-452-6511

Date: December 6, 2005
Time: 11:00 a.m.

Tukwila

Department of Labor and Industries
Tukwila Office Training Room
12806 Gateway Dr
Tukwila WA 98168-3311
206-835-1000

Date: December 9, 2005
Time: 11:00 a.m.